



## Austin City Council MINUTES

For AUGUST 11, 1988 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers.

### MINUTES APPROVED

The Council, on Councilmember Shipman's motion, Councilmember Nofziger's second, approved minutes for regular meeting of August 4, 1988 and special meetings of August 1, 1988, August 3, 1988 at 9:00 a.m. (two meetings). (4-0 Vote, Councilmembers Humphrey, Urdy and Carl-Mitchell out of room.)

### CITIZEN COMMUNICATIONS

Daniel Llanes discussed Art Commission funding. Andre Guerrero, Pat Gamboa, Kathleen Fitzgerald, Marie Martinez, Cynthia Camarata and Diana Casteneda, who were all going to speak on arts funding, did not appear. Aurora Gallagher did not speak on arts funding, either. Ms. Gail Vittori talked about Municipal Solid Waste Management. Ms. Carol Noble discussed the water line on Highway 71.

### BOARD & COMMISSION REPORTS

A report was heard from the Appraisal District. The status report from the Affirmative Action Plan Task Force was given.

Postponed to September 1, 1988 is the Arts Commission Subcommittee Report on Facilities Policies.

### TRAVIS COUNTY FARMER'S MARKET

Councilmember Humphrey introduced a discussion of Travis County Farmer's Market and Agricultural Exhibit Center. Council asked that this be sent to the Economic Development Commission.

## ZONING ORDINANCES

The Council, on Councilmember Urdy's motion, Councilmember Humphrey's second, passed through second/third readings of ordinances amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes: (7-0 Vote)

UNIVERSITY AVENUE  
CHURCH  
By Danze & Davis  
Architects  
C14-87-176

1909 University  
Avenue

From "MF-4" and "GR"  
to "CS-CO"

First reading on January 28, 1988, (7-0). Conditions  
have been met as follows: Conditional Overlay  
incorporates conditions imposed by Council.

LARRY PEEL  
By Kristaponis,  
Gregory & Assoc.  
C14r-85-091

5811 Mesa Drive

From Interim "RR"  
to "SF-6"

First reading on July 11, 1985, (7-0). Conditions  
have been met as follows: Development restricted to  
that shown on the Site Plan attached as an exhibit to  
the ordinance.

## CONSENT ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion; Councilmember Humphrey's second, waived the requirement for three readings and finally passed the following ordinances all in one consent motion: (7-0 Vote)

Operating Budget Amendment

Approved amending the 1987-88 Annual Operating Budget by accepting \$146,026.00 from the Texas State Library and Archives Commission to provide Interlibrary Loan Service and appropriating \$15,619.00 of same to the Austin Public Library for the month of September, 1988.

Ordinance Amendments

Approved amending the following ordinances to correct the use designations:

- a. Ordinance No. 870108-N, Case No. C14r-84-006, locally known as 6311-6547 South IH 35

- b. Repeal Ordinance No. 871022-D, Case No. C14-86-006, locally known as 6406 Burleson Road.

#### CONSENT RESOLUTIONS

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, adopted the following resolutions all in one consent motion: (7-0 Vote)

#### Release of Easements

Authorized release of the following easements:

- a. The 7.5' Public Utility Easements across the rear of Lots 16 and 17, Block 1-B, and Lots 16 and 17, Block 1-C, Second amended Williamson Creek Subdivision, Section Two, 5304 and 5306 Hickory Drive, 5304 and 5306 George Street. (Request submitted by Mr. Brooks Herring on behalf of W.C. II, Ltd.)
- b. A portion of the Public Utility Easement across the rear of Lot 2, Block 1, of Colorado Foothills, Section 1, locally known as 3503 Balcones Drive. (Request submitted by Mr. Thomas D. Coffman, owner)

#### Contracts Approved

Approved the following contracts:

C. P. SNIDER CONSTRUCTION COMPANY - CAPITAL IMPROVEMENTS PROGRAM -  
4423 Mopac South Suite 201  
Austin, Texas  
Fuel Facility for the South Austin  
Service Center, Electric,  
Transportation & Public Services  
Departments  
Total \$341,225.00  
C.I.P. No. 79/60-01, 77/11-04

Bid award:

ANCHOR METALS, INC.  
605 West Hurst Blvd.  
Hurst, Texas

- Galvanized Structural Steel Poles  
and Anchor Bolts for a 138 KV  
Circuit 945 Transmission Line,  
Electric Utility Department  
Total \$402,411.00 88-0258-OM

Bid award:

- Reinforced Concrete Pipe and  
Concrete Products, Electric Utility  
Department  
Twelve (12) Month Supply Agreement  
Total \$173,696.00 88-0229-RH/OM

8/11/88

- (1) GIFFORD-HILL & CO. INC. - Items 1-12, 15, 17, 21, 22, 25-29 -  
801 Airport Blvd. \$130,699.00  
Austin, Texas
- (2) MARQUE CORPORATION - Items 13, 14, 16, 18-20, 23, 24, 30  
8930 Four Winds \$42,997.00  
San Antonio, Texas
- STOCKTON-WAKEFIELD CONSTRUCTION, - Renovation of the 4th and 5th  
INC. Floors at Brackenridge Hospital,  
4412 Spicewood Springs Road Transportation and Public Services  
Austin, Texas Department  
Total \$99,975.00 88-C077-JJ
- UNION METAL MANUFACTURING COMPANY - Traffic Signal Poles and Mast Arms,  
1022 9th Street General Services Department  
Richardson, Texas Total \$40,009.00 88-0238-OM

#### Austin State Hospital

Adopted a resolution concerning the Austin State Hospital.

#### Escrow Agreement

Approved and authorized execution of a special escrow agreement in relation to the defeasance of a portion of a series of 1988 notes involved in the \$126 million City of Austin, Texas Combined Utility System Revenue Notes, Series 1988 A, dated August 15, 1988.

#### Public Hearings Set

Set public hearings on the following:

a. Creation of Williamson-Travis County MUD 2.: September 1, 1988 at 5:00 P.M.

b. Hearings relating to the 1988-89 Proposed Financial Plan:

- (1) Social Services: August 15, 1988 at 1:00 P.M.
- (2) Cultural Arts: August 16, 1988 at 1:00 P.M.
- (3) Operating Budget and Fees: August 22, 1988 at 4:00 P.M.  
August 24, 1988 at 4:00 P.M.
- (4) Electric, Water and Wastewater Rates: August 23, 1988  
at 4:00 P.M.
- (5) C.I.P.: August 29, 1988 at 4:00 P.M.

#### ZONING ORDINANCE

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, passed through second/third readings an ordinance amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to

cover the following changes: (5-0 Vote, Councilmembers Urdy and Barnstone out of the room)

CAREY LEGETT JR.  
C14-74-155

2803-2815 Swisher  
Street

From "SF-3" and "MF-3"  
to "GO"

First reading on January 2, 1975, (6-0). Restrictive Covenant incorporating conditions imposed by Council has been executed.

#### LAND ACQUISITION FOR CIVIC CENTER

The Council, on Councilmember Barnstone's motion, Councilmember Humphrey's second, adopted a resolution authorizing the City Manager to release an RFP for land acquisition relative to the Civic Center. (6-0 Vote, Councilmember Urdy out of the room.)

Later in the Day: The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, voted to reconsider. (7-0 Vote)

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, authorized the City Manager to release an RFP for land acquisition relative to the Civic Center, excluding land set aside for electric or water and wastewater facilities. (7-0 Vote)

#### CITY SOFTBALL SERVICES

The Council, on Councilmember Urdy's motion, Mayor Cooke's second, adopted a resolution authorizing the City Manager to release an RFP for City softball services. (6-0 Vote, Mayor Pro Tem Shipman voted No.)

#### HEARING SET FOR APPEAL

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, set a hearing on an appeal of the Planning Commission's decision to approve a site plan regarding Case No. C14p-86-039, Huntington Surrey School, for September 8, 1988 at 5:30 P.M. The request for the hearing was made by Mr. Larry W. Lay and Mr. Kirk Mitchell. (6-0 Vote, Mayor Pro Tem Shipman out of the room.)

#### LAW FIRM RETAINED

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution to retain the law firm of Bickerstaff, Heath and Smiley in connection with Trinity-Twelve Inc. v. Smith, et al. (6-0 Vote, Councilmember Barnstone abstained.)

#### NORTH AUSTIN GROWTH CORRIDOR MUD REFUNDING BONDS

The Council, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and

finally passed an ordinance approving the issuance of \$5.352 million North Austin Growth Corridor Municipal Utility District No. 1 contract refunding bonds. (5-0 Vote, Mayor Pro Tem Shipman out of the room, Councilmember Barnstone abstained.)

#### ROOFING

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, sent to the Planning Commission for review amendments to Ordinance No. 880218-H of the Austin City Code, regarding roofing. (7-0 Vote)

No action was taken on the City Manager Report concerning the Roofing Ordinance.

#### NO ACTION ON ITEM

No action was taken by Council on amendments to Chapter 13-1, Section 310(25)(a) of the Austin City Code regarding backfilling.

The City Manager report on rules change on pipe embedment and backfill specifications was not presented.

#### ACQUISITION/REHABILITATION

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution authorizing the City Manager to release an RFP for Acquisition/Rehabilitation. (7-0 Vote)

#### ITEM POSTPONED

Postponed to August 25, 1988 is consideration of approval of the 1988 Annexation Program.

#### CONTRACT APPROVED

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving the following contract: (5-0 Vote, Councilmembers Urdy and Nofziger out of the room.)

SOUTHWEST MEDICAL PACKAGING  
P.O. Box 700112  
San Antonio, Texas

- Patient Admission Kits,  
Brackenridge Hospital  
Twelve Month Supply Agreement  
Total \$44,745.12 BS8-285

#### DeWITTY JOB TRAINING FACILITY

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving the relocation of Housing and Community Services Department to the Arthur B. DeWitty Job Training Facility. (6-1 Vote, Mayor Cooke voted No.)

**COUNCILMEMBERS' SALARIES**

Councilmember Barnstone introduced an item to discuss Councilmembers' salaries. After discussion, Council said this would be considered during budget discussions.

**ADMINISTRATIVE ASSISTANTS' SALARIES**

Councilmember Barnstone introduced an item to Council to consider Administrative Assistants' salaries. After discussion, the following motion was made:

Motion

Councilmember Nofziger made a motion, seconded by Councilmember Carl-Mitchell to pay all Council Administrative Assistants according to existing City policy.

More discussion followed and Councilmember Nofziger amended his motion.

Amended Motion

The Council, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, voted that all Council Administrative Assistants should be paid according to existing City policy and approval for more money shall be rescinded. (5-1-0 Vote, Councilmember Barnstone voted No, Councilmember Urdy abstained.)

**ENERGY LOAN AND REBATE PROGRAMS**

Councilmember Barnstone discussed amending the energy loan and rebate programs. He made a motion for an amendment, which received no second. No action was taken on the item.

**BIDDING PROCEDURES**

Council discussed the bidding procedures for the City of Austin. No action taken.

**LITTLE WALNUT CREEK EROSION CONTROL**

A City Manager Report was presented to Council concerning Little Walnut Creek Erosion Control.

**ADJOURNMENT**

Council adjourned its meeting at 8:40 P.M.

AMENDMENT TO  
UTILITY CONSTRUCTION CONTRACT  
AND CREATION AGREEMENT  
BETWEEN  
CITY OF AUSTIN, TEXAS  
AND  
NORTH AUSTIN GROWTH CORRIDOR  
MUNICIPAL UTILITY DISTRICT NO. 1

This agreement is entered into as of the \_\_\_\_ day of \_\_\_\_\_, 1988, by and between the CITY OF AUSTIN, TEXAS (the "City"), and NORTH AUSTIN GROWTH CORRIDOR MUNICIPAL UTILITY DISTRICT NO. 1 (the "District") for the purpose of amending the Utility Construction Contract (the "Contract"), dated April 13, 1981, between said parties and the herein-mentioned Creation Agreement.

RECITALS

Pursuant to the Contract, the District issued \$5,960,000 City of Austin Contract Bonds, Series 1981 (the "Bonds"), and used the proceeds of the Bonds to acquire and construct certain extensions to the City's water supply and sanitary sewer collection facilities (the "Project"). The Project has subsequently been completed and accepted by the City. In consideration of the acquisition and construction of the Project by the District, the Contract requires the City to make semiannual payments to the District in such amounts as are necessary to pay, among other things, the principal and/or interest due on the Bonds, plus the fees and charges of the paying agent for paying or redeeming the Bonds.

The City and the District are also parties to an Agreement Concerning Creation and Operation of North Austin Growth Corridor Municipal Utility District No. 1 (the "Creation Agreement"), executed by the City on January 16, 1981, and by the District on April 13, 1981, pursuant to which the District agreed, among other matters, to make semiannual payments to the City, equal to a percentage of the principal and/or interest due on the Bonds.

Because interest rates prevailing in the bond markets have declined since the issuance of the Bonds, the City and the District have determined that another series of bonds should be issued by the District on a parity with the Bonds for the purpose of refunding a portion of the Bonds and thereby reducing proportionately the semiannual payments of both parties described above.



### AGREEMENT

For and in consideration then of the mutual obligations and benefits to be derived thereby, the City and the District hereby amend the Contract by adding subsection (e) to Section 7 thereof as follows:

(e) With the consent and approval of the City, the District may from time to time issue refunding bonds for the purpose of refunding all or part of the Bonds and paying expenses incurred in connection therewith, and such refunding bonds shall be issued on a parity with the Bonds. The City agrees that such refunding bonds shall be considered to be "Bonds" for purposes of Section 7 and Section 14 of this Contract, and when such refunding bonds are issued and delivered by the District, the City shall be unconditionally obligated to make payments as provided in this Section 7 in support of said refunding bonds. The proceeds of all such refunding bonds shall be deposited with an escrow agent or trustee and shall be used as provided in the resolution or trust indenture adopted by the District and approved by the City in connection with such refunding.

The City and the District further hereby amend the Creation Agreement by adding a new Paragraph D to Article II thereof as follows:

D. Following the issuance of refunding bonds by the District, the District's obligation to make payments to the City pursuant to Article II.B. of this Contract shall be based on the principal and interest payments due on such refunding bonds and on any bonds which have not been refunded.

Except as provided above, the Contract and the Creation Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the District and the City, each acting under authority of their respective governing bodies, have caused multiple originals of this agreement to be duly

executed, each of such to be of equal dignity, as of the date hereinabove first mentioned.

**APPROVED AS TO FORM:**

**CITY OF AUSTIN, TEXAS**

**City Attorney**

By: \_\_\_\_\_  
City Manager

Date: \_\_\_\_\_

**NORTH AUSTIN GROWTH CORRIDOR  
MUNICIPAL UTILITY DISTRICT  
NO. 1**

By: \_\_\_\_\_  
President  
Board of Directors

**Date:** \_\_\_\_\_

4E/NAG1(j)